

Notice of Allowability

Application No.

09/867,301

Examiner

Christopher R. Buchanan

Applicant(s)

SCHEER, ROBERT H.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to appeal brief filed 1/25/07.
2. ☒ The allowed claim(s) is/are 1,4-18 and 20-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____

FC
10/14/02

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the specification, on page 5 line 13: change the terminology "Figure 10 is a diagram" to --Figures 10a and 10b are diagrams--.

In the specification, on page 80 line 18: change the terminology "chart of Fig. 10a" to --charts of Figs. 10a and 10b--.

In the specification, on page 81 line 7: change the terminology "Fig. 10a" to --Figs. 10a and 10b--.

In the specification, on page 82 line 9: change the terminology "Fig. 10" to --Figs. 10a and 10b--.

Allowable Subject Matter

2. Claims 1, 4-18, and 20-45 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The prior art, Abdel-Malek et al. (US 6,959,235), teaches a method embodied in a computer readable media for moving one or more physical items (via parts requisition for locomotive) in a supply chain that is distributed over a plurality of geographic locations that includes the steps of extracting information from a customer maintenance system (via monitoring and diagnostic service center) indicative of a change in a scheduled maintenance work order (via conducting predictive analyses to identify components that are likely to fail in the near term) to create an advance demand notice (repair recommendations) that includes a specification of one or more physical items excepted to be used during a repair procedure (via schematics, maintenance manuals, and other technical documentation).

The prior art lacks the teaching of moving each one of the physical items to a particular geographic location within the supply chain as a function of a probability that the physical item will be needed during performance of the scheduled maintenance.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

The foreign prior art, Cornett et al. (EP 0,467,257), teaches a computer integrated maintenance method wherein a control subsystem integrates engineering

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change activities with maintenance activities to maximize production time and an inventory management subsystem orders spare parts based on predicted maintenance instead of set inventory levels.

The foreign prior art lacks the teaching of moving each one of the physical items to a particular geographic location within the supply chain as a function of a probability that the physical item will be needed during performance of the scheduled maintenance.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

The non-patent literature, Andel (*Transportation and Distribution* article), provided by applicant, teaches a method for supply chain management that uses predictive maintenance wherein measured data for equipment operation are compared to manufacturer-supplied data points to enable prediction of needed maintenance and replacement.

The non-patent literature lacks the teaching of moving each one of the physical items to a particular geographic location within the supply chain as a function of a probability that the physical item will be needed during performance of the scheduled maintenance.

The limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

Conclusion

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Buchanan whose telephone number is 571-272-8134. The examiner can normally be reached on Mon.-Fri. 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CB

 10/14/07
F. RYAN ZEENDER
SUPERVISORY PATENT EXAMINER